

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Michael Jones,

Petitioner,

v.

Case No. 1:03cv490

Anthony J. Brigano,

District Judge Michael H. Watson

Respondent.

OPINION AND ORDER

Before the Court is the July 21, 2005 Report and Recommendation (hereinafter "Report I") issued by Magistrate Judge Black (Doc. 24). Petitioner Michael Jones (hereinafter "Petitioner") filed Objections to the Report on August 2, 2005 (Doc. 25).

When objections are received to a magistrate judge's Report and Recommendation on a dispositive matter, the assigned district judge "shall make a de novo determination...of any portion of the magistrate judge's disposition to which specific written objection has been made...." Fed. R. Civ. P. 72(b). After review, the district judge "may accept, reject or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions." *Id*; see also 28 U.S.C. 636(b)(1)(B). General objections are insufficient to preserve any issues for review; "[a] general objection to the entirety of the magistrate's report has the same effects as would a failure to object." *Howard v. Secretary of Health and Human Services*, 932 F.2d 505, 509 (6th Cir. 1991).

The Report makes the following recommendations:

1. DENY with prejudice Petitioner's Petitioner for Writ of Habeas Corpus Pursuant to 28 U.S.C. §2254 (Doc. 2);
2. A certificate of appealability should issue with respect to Petitioner's due process claims alleged in Ground One;
3. A certificate of appealability should not issue with respect to Ground Two in Petitioner's Petition; and
4. With respect to any application by Petitioner to proceed on appeal *in forma pauperis*, the Court should certify pursuant to 28 U.S.C. §1915(a)(3) that an appeal of any Order adopting this Report would be taken in "good faith" and therefore GRANT Petitioner leave to appeal *in forma pauperis* upon a showing of financial necessity.

The Court, having reviewed and considered Petitioner's objections and applying the *de novo* standard of review required by Fed. R. Civ. P. 72(b), concludes Petitioner's objections fail to establish any legal basis for rejecting any portion of Magistrate Black's Report.

Accordingly, the July 21, 2005 Report and Recommendation (Doc. 24) is **ADOPTED** and the August 2, 2005 Objections of Petitioner (Doc. 25) are **DENIED**. . The July 9, 2003 Petition of Petitioner for Writ of Habeas Corpus Pursuant to 28 U.S.C. §2254 (Doc. 2) is **DENIED**. Further, a certificate of appealability should issue with respect to Petitioner's due process claims alleged in Ground One but should not issue with respect to Ground Two. Finally, any application by Petitioner to proceed on appeal *in forma pauperis* should be **GRANTED**, upon a showing of financial necessity, as an

appeal, pursuant to 28 U.S.C. §1915(a)(3), of any Order adopting this Report would be taken in "good faith".

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT